

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>DAVID G. LUCAS, <u>et al.</u>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 08-0520-CG-C</b>
	)	
<b>SPRINGHILL HOSPITALS, INC., <u>et al.</u>,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the court on the Plaintiff's Third Amended Complaint filed on October 27, 2008 (Doc. 37). Local Rule 15(a) states

"A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; ..."

Defendants Baxter International, Inc. And Baxter Healthcare filed their answer to the complaint on September 16, 2008 (Doc. 2), and since none of the defendants have filed a written consent to the amendment, the plaintiff's third amended complaint is hereby **STRICKEN** from the record.<sup>1</sup> The Clerk is directed to annotate the docket accordingly.

**DONE and ORDERED** this 28<sup>th</sup> day of October, 2008.

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/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>This ruling does not preclude plaintiff from filing a written motion for leave to amend the complaint. If the plaintiffs obtain written consent from the defendants, the amended complaint will be restored to the court's docket.